

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF:	:	
	:	
FRATERNAL ORDER OF POLICE LODGE 9,	:	DECISION ON REVIEW OF
	:	THE DECISION OF THE
AND	:	BINDING INTEREST
	:	ARBITRATOR
	:	
CITY OF SEAFORD, DELAWARE.	:	

BACKGROUND

The City of Seaford, Delaware, (“City”) is a public employer within the meaning of §1602(1) of the Police Officers’ and Firefighters’ Employment Relations Act, 19 Del.C. Chapter 16 (1986).

Fraternal Order of Police Lodge 9 (“FOP”) is an employee organization within the meaning of 19 Del.C. §1602(g). FOP Lodge 9 is the certified exclusive bargaining representative of a bargaining unit of all City of Seaford Police Officers below the rank of Captain, within the meaning of 19 Del.C. § 1602(h).

On February 9, 2001, the City informed the Public Employment Relations Board (“PERB” or “Board”) the parties were at an impasse in negotiation of a successor to their first collective bargaining agreement which expired June 30, 2000. PERB appointed a mediator to assist the parties pursuant to 19 Del.C. §1614. After unsuccessful attempts to mediate the outstanding issues, the mediator, without objection from either party, referred the matter to binding interest arbitration pursuant to 19 Del.C. §1615.

A public hearing was conducted on October 11, 2001, before the PERB Executive Director, acting on behalf of the full Board as the Interest Arbitrator, pursuant to 19 Del.C. §1615(b). The Decision of the Interest Arbitrator was issued December 18, 2001, holding:

Based on the record created by the parties, the last, best and final offer of the City of Seaford is determined to be the more reasonable based on the statutory criteria set forth in 19 Del.C. §1615, each of which was considered in rendering this decision.

FOP Lodge 9 filed a Request for Review of the Decision of the Binding Interest Arbitrator by the full Board on December 21, 2001, and the City of Seaford filed its Response to the Request on January 4, 2002. At the request of the Board, the parties provided written memoranda setting forth their respective arguments on appeal.

The Board convened a public hearing on Wednesday, February 27, 2002, to consider the Request for Review. The Board had a copy of the complete record created before the Binding Interest Arbitrator in this matter.

DECISION AND ORDER

Based upon the record presented, it is the decision and order of the Board, upon unanimous vote, that this matter is remanded to the Arbitrator to accept additional evidence and/or argument specifically as to:

1. The costs and history of the salary proposals of the parties;
2. The costs of the parties' respective proposals on contract length; and
3. The financial ability of the City, based on existing revenues, to meet the costs of the parties' last, best, and final offers.

The Arbitrator is also directed to state written findings of fact for each issue stated in (1) through (3) above. Further, upon receipt and consideration of argument from the parties, the Arbitrator is directed to specifically address what constitutes “existing revenues” within the meaning of 19 Del.C. §1615 (d) (6).

IT IS SO ORDERED this 8th day of March, 2002.

/s/ Henry E. Kressman

HENRY E. KRESSMAN, Chairman
Public Employment Relations Board

/s/R. Robert Currie, Jr.

R. ROBERT CURRIE, JR., Member
Public Employment Relations Board

/s/ Elizabeth Daniello Maron

ELIZABETH DANIELLO MARON, ESQ., Member
Public Employment Relations Board